

OPINION
75-89

January 30, 1975 (OPINION)

Dr. D. L. Moun
President, Board of Dental Examiners
Box 548
Mandan, ND 58554

Dear Dr. Moun:

This is in reply to your letter of January 27, 1975, requesting our opinion on Section 43-28-18(21) of the North Dakota Century Code. The question presented is whether a licensed dentist may own or control a dental laboratory or X-ray laboratory or operate the same in connection with his office.

Section 43-28-18 of the N.D.C.C. provides:

"The board may revoke or suspend the license and the certificate of registration of any dentist who has:

* * *

1. Controls or owns a dental laboratory or X-ray laboratory or operates the same in connection with his office, and has advertised such dental or X-ray laboratory in a manner prohibited herein;

* * *."

It appears to us that the above-quoted prohibition is in the conjunctive, i.e., a dentist who controls or owns a dental laboratory or X-ray laboratory and has advertised such dental or X-ray laboratory in a manner prohibited by law may have his license to practice dentistry revoked or suspended.

It is our opinion that a dentist may own or control a dental or X-ray laboratory and operate the same in connection with his office if he does not advertise such dental or X-ray laboratory in a manner prohibited by law. Thus it is our opinion that the prohibition is on the advertising and not the ownership, control or operation of a dental or X-ray laboratory.

Sincerely,

ALLEN I. OLSON

Attorney General